

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
MARCH 14, 2013**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Angelo Colasante, Chair; Kenneth Gordon, Vice Chair; Brian Gildea, Clerk; Jeffrey Cohen; Jeffrey Dearing; Stephen Henning; Carol Amick; Todd Crowley

ABSENT: None

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) and ZBA assistant introduced themselves.

PRESENTATION: Mr. Gildea read the notice of the hearing.

PETITION #026-13 – Kevin and Lynn Harrison, 76 Fletcher Road, seek a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct covered porch within the front yard setback.

Lynn Harrison greeted the Board and stated that she and her husband had lived in Bedford for 16 years, and were now hoping to expand their home in order to stay in town. She explained that they have been working on an addition that fits mostly within the zoning setbacks; however, they also would like to add a covered porch – separate from the addition – that would extend into the already non-conforming front setback. Ms. Harrison stated that the existing house is located 29.4 feet away from the property line instead of the required 35, and the addition would protrude approximately an extra $5\frac{1}{2}$ 5.5 feet, bringing it to 23.9 feet away from the property line.

Mr. Cohen asked whether the stairs would be covered. Ms. Harrison said they would not; the roofline would end at the edge of the landing.

Mr. Gordon asked whether the applicants had had any conversations with the neighbors about the project. Ms. Harrison said that they had, and none of the neighbors had a problem with it.

Mr. Colasante opened the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante reminded the Board that the two conditions of a Special Permit were that the project was in keeping with the intent and purpose of the By-Law and was not injurious or detrimental to the neighborhood. He said that the proposed project looked

like a very attractive addition and it didn't seem that there was any opposition from the neighbors, which told him that the application met the two Special Permit requirements. The other members agreed. Mr. Dearing noted that he knew the neighborhood fairly well and thought this would be an excellent addition.

Mr. Gildea asked whether the Board wanted to include its usual condition for front porches and state that the porch may not be enclosed. Mr. Cohen said he would like to see that condition, and would also like a condition stating that the stairs themselves will not have a roof over them. For clarification purposes, Mr. Colasante asked the applicant whether she would have a problem with such conditions. Ms. Harrison said she did not.

Mr. Gordon asked whether the application was requesting permission to create the proposed bulkhead as well. Mr. Dearing pointed out that bulkheads are like steps, and are not included within the setback requirements.

MOTION:

Mr. Gildea moved to grant Kevin and Lynn Harrison, 76 Fletcher Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct covered porch within the front yard setback, substantially as shown on Exhibits A through D, and subject to the following conditions:

- 1) that the stairs will not be covered; and
- 2) that the porch will not be enclosed.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Gordon, Gildea, Cohen, and Dearing

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

PRESENTATION: Mr. Gildea read the notice of the hearing.

PETITION #023-13 – CONTINUATION – Talal Ali-Ahmad, for Najim LLC, at 143 Great Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to allow residential unit on first floor.

Mr. Ali-Ahmad greeted the Board and reminded them that he had appeared before the ZBA in January, seeking a Variance to allow a residential unit on the first floor of his building at 143 Great Road, which was on the corner of Great Road and Bacon Road. He

noted that it was determined then that a Special Permit, not a Variance, would be the more appropriate method by which to allow such a use, provided that he could prove that the first floor had contained a residential unit prior to the implementation of the Zoning By-Law in 1945.

Mr. Ali-Ahmad passed out documentation that he received from the Town Clerk and the Assessors showing that the first floor did have a residential unit, labeled as 101, prior to 1945. There was extensive discussion and review of the documents.

Mr. Colasante said the documentation provided by the applicant proved that there had always been a residential unit on the first floor of the building at 143 Great Road and should therefore be grandfathered. Mr. Gordon commended the applicant on his research and ability to find exactly what the Board needed in order to allow a grandfathered use.

The Board discussed the floor plan and layout of the first and second floors of the building.

Mr. Colasante opened the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Gordon noted that Sections 7.1.2 and 7.1.4 did not appear to be the appropriate sections of the Zoning By-Law by which to grant such a use. He stated that Section 4.5.16 was the section in question, as it stated the restriction regarding a residential unit on the first floor of a mixed use residential and business building. Mr. Colasante suggested that the Board make a finding that the residential use on the first floor existed prior to the Zoning By-Law change and therefore Section 4.5.16 did not apply. It was decided that the Board would make a finding that the use existing prior to the Zoning By-Law, and then vote on a Special Permit per Sections 7.1.2 and 7.1.4 to determine whether the use was injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the By-Law.

MOTION FOR FINDING:

Mr. Gildea moved that the Board find that the applicant has established that the building at 143 Great Road was a residence prior to adoption of the Zoning By-Law, with respect to the documents marked as A1-2, B1-6, C1-3, and D1-2.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Gordon, Gildea, Cohen, and Dearing

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The Board members agreed that the applicant had provided enough documentation that they felt comfortable voting in favor of a Special Permit, as the continued use of a residential unit on the first floor of the house was not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the By-Law.

MOTION:

Mr. Gildea moved to grant Talal Ali-Ahmad, for Najim LLC, at 143 Great Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to allow residential unit on first floor, based on the Board's finding and substantially as shown on Exhibits A1-2, B1-6, C1-3, and D1-2.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Gordon, Gildea, Cohen, and Dearing

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds.

PRESENT: Mr. Gildea read the notice of the hearing.

PETITION #024-13 – Todd Crowley, 31 Springs Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-law to demolish and rebuild non-conforming garage.

As he was the applicant for this hearing, Mr. Crowley recused himself.

Mr. Crowley stated that his house at 31 Springs Road was built in the 1860s, and the lot was filled with nonconformities. He said that the garage was currently nonconforming, as it was well into the ten-foot accessory structure setback required under the Zoning By-Law. He said that the garage was in bad shape and it would be much more economical to simply tear it down rather than renovate it; therefore, he and his wife hoped to demolish the existing garage and rebuild a new, slightly larger one in the same location. He noted that the setbacks would be the same as the old garage, but a few feet would be added on the other side of the new structure. He commented that, if the garage were to conform to the 10 foot side yard setbacks, the existing shed would have to be moved and the placement of the existing driveway would have to be changed, which would be very difficult to achieve and would be a great expense.

Mr. Colasante asked whether the applicant had talked to his neighbors about the project. Mr. Crowley said that he talked with Cheryl and Gregg Flender, the immediate abutters, and both were fine with the change; he added that the Flenders wrote a letter of support to the Board, which was included in the application packet.

There was discussion about the location of the garage on the property and the dimensions of the plot plan.

Mr. Cohen asked whether Mr. Crowley had considered placing gutters or downspouts on the garage. Mr. Crowley said he had considered it, and was planning to do whatever was best for the environment and the neighbors. Mr. Cohen said that he was concerned about water runoff onto the direct abutter's property, so he would like to see a condition on the motion requiring some kind of drainage system. Mr. Colasante agreed that it would be a wise idea.

Mr. Colasante opened the hearing to the public.

Cheryl Flender, of 29 Springs Road, said she had written the letter in support of the project and was still in support of it, but she wanted to see an elevation of the garage just to get an idea of what it would look like. The Board members showed her the application package and she confirmed that the proposed garage looked the way she had envisioned. She thanked the Board for its time.

Mr. Dearing noted that the applicant was requesting the garage to be 20.6 feet in length, but it would make more sense to allow the garage to be two extra feet, bringing the length to 22.6, to better accommodate two cars. Mr. Crowley said he would have preferred the garage to be longer but wasn't even sure whether that size could be accommodated and didn't want to push the Board for something he might not build. After further discussion, the Board members agreed that, if they were to vote in favor of the Special Permit, they would have no problem with the garage being 22.6 feet in length. Mr. Gildea made a note of this on the plot plan and Mr. Crowley initialed it.

With no further comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante said that, once the garage was torn down, that part of the property became conforming once again, so an argument could be made that this would be creating a new non-conformity; however, given the non-conforming nature of the property and the house, he felt comfortable supporting this proposed garage provided that the new non-conformity was not any greater than the original non-conformity. He noted that the conditions of a Special Permit were that the project was in keeping with the intent and purpose of the By-Law and was not injurious or detrimental to the neighborhood, and he felt that this garage met those conditions.

The other Board members agreed, noting that the setbacks wouldn't be any different than the setbacks that exist now. Mr. Henning said it would have been preferable to have the new setback be at least a foot or two farther away from the property line than the existing garage, but since the immediate abutters were fine with the project, he had no objections either. Mr. Dearing said that he knew the neighborhood in question and it was clearly built before the Zoning By-Law, because it was filled with nonconformities. He said that this project was certainly no more nonconforming than many of the other structures in the area, and he supported the Special Permit request. Mr. Cohen noted that he supported the Special Permit request so long as the condition regarding gutters was included to avoid any water runoff problems with the neighbor.

MOTION:

Mr. Gildea moved to grant Todd Crowley, 31 Springs Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-law to demolish and rebuild non-conforming garage, substantially as shown on Exhibits A through E, and subject to the condition that gutters be installed facing the west side of the property to direct water away from west elevation property line.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Gordon, Gildea, Cohen, and Dearing

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

Mr. Dearing departed at this time.

PRESENTATION: Mr. Gildea read the notice of the hearing.

PETITION #025-13 – Angelo Colasante, 2 Old Stagecoach Road, seeks to appeal the Building Inspector's decision to allow continued use of dog park at Carleton-Willard Village, at 100 Old Billerica Road.

As he was the applicant for this hearing, Mr. Colasante recused himself.

Mr. Gordon designated the voting members for this hearing as himself, Mr. Gildea, Mr. Cohen, Mr. Henning, and Ms. Amick.

Mr. Colasante stated that he was appearing before the Board to appeal the decision of the Code Enforcement Director, Christopher Laskey, to allow the installation of a dog park at Carleton Willard Village (CWV), at 100 Old Billerica Road, which was immediately adjacent to Mr. Colasante's home. He said that, in November of 2012, he saw some activity outside his home, and after talking to Paul Lund, the Facilities Manager at CWV, he found out that the activity was the result of a fenced-in dog park on the northwest corner of the property. Mr. Colasante said that the fence was 40'x60' and six feet high, which he thought was considerably large. He stated that, after further conversations with Mr. Lund, he learned that there were seven dogs at the property, but there was no restriction stating that all of the 150 residents at CWV couldn't each have a dog. He stated that he loved dogs and had one himself, and he enjoyed seeing dogs when the residents walked by his street, but to have a dog park directly next to his property with no limit to how many dogs can run through it was, in his opinion, injurious to the neighborhood. Also injurious, he added, were the cars that parked in front of his house when people brought their dogs to the park, because for a long time it wasn't denoted as a private use for only the CWV residents.

Mr. Colasante handed out a packet of documents and talked the Board through each item (see attachment). He explained that his primary issues were not that the dog park existed, but that Carleton Willard never contacted any neighbors to discuss it and that its location was not only injurious to the neighborhood but also didn't make any sense from the standpoint of the residents. He referenced a map of Carleton Willard Village, on which he had marked the location of the dog park; he commented that the dog park was as far away from the resident units as was possible on the property, and it also happened to be directly abutting his own property. Mr. Colasante said that CWV installed the dog park without a fence permit, and he believed that if the permit had been applied for at the beginning, the Code Enforcement Department may not have allowed the fence to be installed in that location.

Mr. Gildea asked whether Mr. Colasante thought that a Special Permit should be granted by the Zoning Board every time a resident wants to install a fence. Mr. Colasante replied that he did not feel that should be the case, but with large premises like Carleton-Willard, he did believe that it could be considered a modification to the existing Special Permit for the site.

Mr. Gordon asked whether a fence for a vegetable garden would warrant a modification to the Special Permit. Mr. Colasante stated that, when a fence permit is applied for, Mr. Laskey would inevitably ask an applicant such as Carleton Willard what use the fence would serve; at that point, when he found out that the use was for a dog park, Mr. Laskey may very well have considered this a major modification to the Special Permit. Mr. Colasante said that his concern was that the fence permit was never applied for and therefore Mr. Laskey never had the opportunity to make that judgment call.

Mr. Cohen asked Mr. Colasante whether he thought the end result would have been any different had Carleton Willard been issued a fence permit up front, before the fence had been installed. Mr. Colasante said that no one can know the outcome, but it would have

put Mr. Laskey in a position where he could have asked about the use of the fence and he may have requested that the applicants either put it in a different location or appear before the Zoning Board for a ruling on whether it was a substantial modification to the original 1980 Special Permit.

Mr. Gordon asked the applicant what discretion he thought Mr. Laskey had to deny a fence permit. Mr. Colasante replied that Mr. Laskey could have determined that the fence was an exception to the original Special Permit, and it had the potential to be injurious to the neighborhood or not in keeping with the intent of the By-Law.

Mr. Colasante said that, in his opinion, Carleton-Willard Village has broken several of the Bedford Zoning By-Laws; for example, according to the By-Law, any premises that houses more than four dogs must be registered as a kennel, and CWV has not been registered as such. He noted that several sheds and shipping containers also have been dropped onto the site in the past several months, along with stone and construction debris on what he thought was Conservation-restricted land. Mr. Gordon said he hoped to stay on-topic and try to discuss only the dog park. Mr. Colasante said that was fine but he thought that this kind of behavior was injurious to the neighborhood and was outside Carleton Willard's allowed Special Permit conditions, so it should be noted for the record.

Ms. Amick asked the applicant whether Carleton Willard had ever contacted him about this change or any other changes on the property. Mr. Colasante responded that no one from CWV had ever contacted him in all the years he had lived in Bedford. Ms. Amick also asked the applicant, if the neighbors had been contacted prior to the construction of the dog park, whether they would have expressed their opinion that its location was injurious to the neighborhood. Mr. Colasante responded that he thought that would be their opinion.

Mr. Gordon asked Mr. Laskey whether the fence already being up made a difference in his opinion to allow the dog park. Mr. Laskey said that it did not make a difference to him; he said he has forced people to tear out entire foundations before so he wouldn't have had a problem forcing Carleton Willard to take out a fence. Mr. Colasante said it was worth noting that the Board had directed Mr. Laskey to give the order to take out the foundation. Mr. Laskey added that he didn't feel that he had any authority to dictate to Carleton Willard where the fence should be located, so he didn't feel that he could deny a fence permit on the grounds of its location.

Mr. Gordon opened the hearing to the public.

Legal counsel for Carleton Willard, Attorney Tom Swaim, of Holland and Knight, introduced himself. There was extensive discussion about the merits of installing shrubs and landscaping around the dog park to make it more visually pleasing or moving the entire dog park to a different location on the property.

Mr. Gordon asked Mr. Swaim whether there were any restrictions on the dog park hours. Mr. Swaim replied that the hours are from sunrise to sunset, and there was a posted sign stating that the dog park was for resident use only.

Ms. Amick asked whether the original application for the CWV Special Permit had included any provisions for dogs or a dog park. Mr. Swaim replied that he did not recollect any such provisions. Ms. Amick asked why provisions were not included at the time. Mr. Swaim stated that so many different issues were being considered for that Special Permit that the parties probably just overlooked it.

There was discussion about the Conservation restrictions on parts of Carleton Willard's land and whether screening or moving the dog park would require Conservation Commission approval.

Paul Lund, the Director of Facilities at Carleton Willard, introduced himself and talked about the timeline of events that led to tonight's hearing. He explained that he was not aware a fence permit was required by the Town of Bedford; if he had been aware, he would have applied for a permit with the Code Enforcement Department.

Mr. Cohen asked Mr. Lund what drove the decision to place the dog park at its current location instead of closer to the residences. Mr. Lund replied that CWV held a meeting with its residents, and the residents suggested that it be closer to the garden in that section of the property; he added that CWV always tried to take into account the wishes of its residents, so those wishes informed the final decision.

Mr. Cohen asked Mr. Lund why he never contacted Mr. Colasante or any of the other close neighbors about the dog park installation. Mr. Lund replied that he wasn't aware that he had to.

Mr. Gordon asked Mr. Lund whether he would be willing to move the fence, now that he knew there was some neighborhood objection. Mr. Lund replied that he would rather resolve the matter in a different way, such as with screening or landscaping.

Mr. Gordon asked whether Mr. Colasante wanted to continue the hearing to another night in order to allow time for him and the CWV representatives to meet and try to come to some sort of agreement about the dog park. Mr. Colasante said he would rather just proceed tonight, and he would stand by whatever decision the Board thought was best.

Miles McDonough, of 14 Meadowbrook Road, said he lived in the neighborhood and his mother was a resident at the Llewysac Lodge building of Carleton Willard. He said that dogs are very important to some of the residents at the facility and he wouldn't want to see anything take that away. Mr. Colasante stressed that he wasn't opposed to a dog park; he was opposed to the location of the dog park and the fact that he wasn't notified before it was put up.

Mr. Gordon read into the record an email from Chris Doucet, dated March 13, 2013 (see

attachment), in which Mr. Doucet states that he is against the location of the dog park on the property.

Mr. Gordon asked the Code Enforcement Director whether he had anything else to add before he closed the public hearing. Mr. Laskey said that he would only remind the Board members that the decision before them was not whether or not to move the dog park but whether it required a Special Permit to allow it.

With no further comments or questions from those in attendance, Mr. Gordon closed the public hearing.

DELIBERATIONS:

Mr. Gordon said that the issue before the Board was whether to overturn Mr. Laskey's decision that a dog park was not a violation of the existing Special Permit at Carleton Willard Village. He commented that CWV was clearly in error when it did not apply for the fence permit before installing the fence, and the representatives from CWV have admitted that, but he didn't believe Mr. Laskey would have refused a fence permit for the premises had CWV applied for it beforehand. He concluded that, in looking through Mr. Laskey's letter, he did not find an appealable error, and therefore his decision was not to overturn the Code Enforcement Director's decision.

Mr. Crowley agreed that it was an unfortunate situation but he didn't see that anything could be done to overturn Mr. Laskey's decision, especially since there seemed to be no mention of dogs or a dog park in the original 1980 Special Permit.

Ms. Amick said that she felt the Board should overturn Mr. Laskey's decision because she saw the fence as a structure; she said that she understood it was "just" a fence but it created a very large area that could potentially be injurious to a neighborhood, and therefore she felt that it should be considered as no less than a structure. If it were considered a structure, she added, then perhaps the Board could find an error with Mr. Laskey's decision and overturn it. She also urged the Board to overturn Mr. Laskey's decision based on the fact that a dog park was not identified as allowable in the Special Permit granted for Carleton Willard. She said that screening or landscaping would help with the aesthetics of the dog park but will do nothing to help the noise, and she ~~felt~~ agreed with Mr. Colasante that the park was created too close to neighboring houses. She said that Mr. Lund's assertion that he didn't contact the neighbor about the dog park because he didn't have to was troubling, and she hoped that, at the very least, this situation will open up a line of communication between Carleton Willard and the neighbors in the future.

Mr. Henning said that this was an unfortunate situation and he would also be upset if it happened next door to him, but he didn't see any error in Mr. Laskey's opinion, and he didn't think that contriving an error for the sake of the applicant was a wise maneuver. He said that it would have been neighborly for CWV to have approached Mr. Colasante before this dog park was created but he didn't think they had any legal obligation to do

so, and he therefore could not overturn Mr. Laskey's decision.

Mr. Cohen said that the legal question before the Board was whether Mr. Laskey erred in his opinion, and Mr. Cohen did not think he did. He said that the strict interpretation was not always easy on applicants but in this case he felt that Mr. Laskey's interpretation was correct, and he did not feel that there was enough evidence to overturn it.

MOTION:

Mr. Gildea moved that the Board overturn the decision of the Building Inspector to allow continued use of dog park at Carleton Willard Village, at 100 Old Billerica Road.

Mr. Cohen seconded the motion.

Voting in favor: Amick

Voting against: Gordon, Gildea, Cohen, and Henning

Abstained: None

The motion did not carry, 1-4-0.

Mr. Colasante thanked the Board members for hearing his application.

BUSINESS MEETING:

Panera Signage

Pamela Brown, Esq., greeted the Board and noted that Panera LLC has requested a small modification to the approved sign at 213 Burlington Road. She handed out images of the approved sign and the proposed changes (see attached). The new sign, she noted, would actually be slightly smaller than the approved sign.

The Board members agreed that the proposed sign was not a substantial change.

MOTION:

Mr. Cohen moved to amend Special Permit #019-13 to use the new exhibit, and such modification is not a substantial change.

Mr. Gordon seconded the motion.

Voting in favor: Colasante, Gordon, Gildea, Cohen, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

One-Year Probationary Period for Restaurant Special Permits

Mr. Colasante said that he wanted the Board to come to an agreement regarding the one-year probationary period that the Board places on Special Permits for Restaurant Uses. He asked Mr. Laskey his opinion on the matter. Mr. Laskey stated that the opinion from Town Counsel was that once the Board approves a Special Permit and the 20-day appeal period ends, the Town had no provisions in its By-Laws to revoke the Special Permit. He said that Town Counsel's opinion, therefore, was that the one year-probationary permit was not allowed under the By-Law. Mr. Laskey said he stood by Town Counsel's opinion.

Mr. Cohen provided some historical background on the Board's reasoning/procedure for including a 1-year temporary Special Permit for restaurant uses as a condition for approval. He then commented that the Planning Board also has Special Permit granting authority for restaurant uses and they do not include a temporary 1-year Special Permit condition in their decisions.

Ms. Amick stated that she thought the one-year probationary period was a good idea, as it sent an important message to applicants that they must follow the conditions set forth in their Special Permit. Mr. Gordon said that the conditions were enforceable by Mr. Laskey, who can cite or fine any business that does not follow them. He said that, in his opinion, the one-year probationary period was not only a deterrent to potential businesses but unnecessary, because the conditions are enforceable by another jurisdiction anyway.

Mr. Colasante said he felt strongly that the Board should issue one-year probationary periods for Restaurant Use permits, because the Town should make it clear that it will not stand for any violations of the permit conditions. Mr. Gordon said that the Town would not allow any violations of conditions, but it wasn't the Zoning Board's area of jurisdiction. Mr. Gildea agreed that the Zoning Board's purview was simply to set forth conditions and it was Mr. Laskey's and the Code Office's responsibility to enforce them; he said he didn't feel the two jurisdictions overlapped and didn't feel comfortable trying to make them overlap by setting a one-year probationary period on Special Permits.

There was further discussion regarding conditions and enforcement of Restaurant Use Special Permits.

Mr. Gordon said that Bedford has lost a lot of businesses and commercial tax dollars in the past decade and he didn't feel that this kind of one-year permit sent the right message to potential business owners. Mr. Crowley and Mr. Henning agreed.

MOTION:

Mr. Gildea moved that the Board require a one-year probationary period on all Special Permits for Restaurant Use.

Ms. Amick seconded the motion.

Voting in favor: Colasante and Amick
Voting against: Gordon, Gildea, Cohen, Henning, and Crowley
Abstained: None

The motion did not carry, 5-2-0.

Mr. Colasante said that the Board had made its opinion clear and the concept of the one-year probationary period lost, 5-2. He said that the Board would no longer include that language in Special Permits for Restaurant Use.

Adjournment

Mr. Colasante called for a motion to adjourn the meeting.

MOTION:

Mr. Gildea moved to adjourn the meeting.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Gordon, Gildea, Cohen, Henning, Amick, and Crowley
Voting against: None
Abstained: None

The motion carried unanimously, 7-0-0.

The meeting adjourned at 11:10 PM.

Angelo Colasante, Chair Date

Respectfully Submitted,

Scott Gould
ZBA Assistant